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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 KENNETH WAYNE FROUDE,
15 Defendant.

NO. CV 15-8623-JLS-E

UNOPPOSED *EX PARTE*
APPLICATION TO MODIFY
BRIEFING SCHEDULE

16
17 Defendant Kenneth Wayne Froude, by and through his attorney of record,
18 Deputy Federal Public Defender Marisol Orihuela, that the briefing schedule be
19 modified to permit defense counsel three additional days to file Defendant's
20 Supplemental Brief. This application is based upon the accompanying declaration of
21 counsel, all files and record in this case, and any other information that may be
22 presented on this application.

23 Respectfully submitted,

24 HILARY POTASHNER
25 Federal Public Defender
26

27 DATED: May 23, 2016

By /s/ Marisol Orihuela
28 MARISOL ORIHUELA
Deputy Federal Public Defender

DECLARATION OF MARISOL ORIHUELA

I, Marisol Orihuela, hereby declare that the following is true and correct to the best of my knowledge:

1. I am a Deputy Federal Public Defender appointed to represent Mr. Froude in the above-captioned matter.
2. On May 2, 2016, the government filed its supplemental brief in this case. That filing is over 100 pages long. Under the current briefing schedule, Mr. Froude's brief is due today, May 23, 2016.
3. The week of May 2, 2016, I was preparing for a trial set on May 10, 2016, in *United States v. Patton*, CR 16-128-DMG. The week of May 9, 2016, I was in trial for three court days.
4. At the same time, and the week of May 15, 2016, after I finished trial in *United States v. Patton*, I was preparing for three sentencings that were all set for this week.
5. On May 22, 2016, I asked government counsel if the government would be opposed to a small extension of my filing deadline. The government advised me that it was not opposed to an extension of my filing deadline.
6. For the reasons set forth above, the defense is requesting a modification of the briefing schedule that would permit me to file Mr. Froude's supplemental brief by no later than May 26, 2016.

DATED: May 23, 2016

/s/ Marisol Orihuela
MARISOL ORIHUELA